

## Agricultural Marketing Service, USDA

## § 201.68

Mean (See § 201.59)	Tolerance
96 or over .....	5
90 or over but less than 96 .....	6
80 or over but less than 90 .....	7
70 or over but less than 80 .....	8
60 or over but less than 70 .....	9
Less than 60 .....	10

When only 200 seeds of a component in a mixture are tested 2 percent shall be added to the above germination tolerances.

[15 FR 2399, Apr. 28, 1950, as amended at 20 FR 7940, Oct. 21, 1955]

### § 201.64 Pure live seed.

The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

[5 FR 35, Jan. 4, 1940. Redesignated at 20 FR 7940, Oct. 21, 1955]

### § 201.65 Noxious weed seeds in interstate commerce.

Tolerances for rates of occurrence of noxious-weed seeds shall be recognized and shall be applied to the number of noxious-weed seeds found by analysis in the quantity of seed specified for noxious-weed seed determination in § 201.46, except as provided in § 201.16(b). Applicable tolerances are calculated by the formula,  $Y = X + 1 + 1.96\sqrt{X}$ , where X is the number of seeds represented by the label or test and Y is the maximum number within tolerance.<sup>1</sup> Some tolerances are listed in the table. The number found as represented by the label or test (Column X) will be considered within tolerance if not more than the corresponding number in Column Y are found by analysis in the administration of the Act. For numbers of seeds greater than those in the table and in case of additional or more extensive analyses, a tolerance based on a degree of certainty of 5 percent ( $P=0.05$ ) will be recognized.

Number represented by the label or test (X)	Maximum number within tolerances (Y)	Number labeled or represented (X)	Maximum number within tolerances (Y)
0	2	16	24
1	4	17	25

<sup>1</sup>Rates per pound or ounce must be converted to the equivalent number of seeds found in § 201.46, Table 1, Minimum weight for noxious-weed seed examination (grams).

Number represented by the label or test (X)	Maximum number within tolerances (Y)	Number labeled or represented (X)	Maximum number within tolerances (Y)
2	6	18	27
3	8	19	28
4	9	20	29
5	11	21	30
6	12	22	32
7	13	23	33
8	14	24	34
9	16	25	35
10	17	26	37
11	18	27	38
12	20	28	39
13	21	29	41
14	22	30	42
15	23		

[5 FR 35, Jan. 4, 1940, as amended at 15 FR 2399, Apr. 28, 1950. Redesignated at 20 FR 7940, Oct. 21, 1955, as amended at 26 FR 10036, Oct. 26, 1961; 32 FR 12782, Sept. 6, 1967; 65 FR 1709, Jan. 11, 2000]

### § 201.66 [Reserved]

#### CERTIFIED SEED

### § 201.67 Seed certifying agency standards and procedures.

In order to qualify as a seed certifying agency for purposes of section 101(a)(25) of the Federal Seed Act (7 U.S.C. 1551(a)(25)) an agency must enforce standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in § 201.68 through 201.78.

[38 FR 25662, Sept. 14, 1973; 60 FR 57146, Nov. 14, 1995]

### § 201.68 Eligibility requirements for certification of varieties.

The certifying agency shall require the originator, developer, or owner of the variety, or agent thereof, to make the following available when eligibility for certification is requested:

- The name of the variety.
- A statement concerning the variety's origin and the breeding procedure used in its development.
- A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
- Evidence supporting the identity of the variety, such as comparative

yield data, insect and disease resistance, or other factors supporting the identity of the variety.

(e) A statement delineating the geographic area or areas of adaptation of the variety.

(f) A statement on the plans and procedures for the maintenance of seed classes, including the number of generations through which the variety may be multiplied.

(g) A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.

(h) Any additional restrictions on the variety, specified by the breeder, with respect to geographic area of seed production, age of stand or other factors affecting genetic purity.

(i) A sample of seed representative of the variety as marketed.

[38 FR 25662, Sept. 14, 1973. 60 FR 57146, Nov. 14, 1995]

**§ 201.69 Classes of certified seed.**

(a) Classes of certified seed are as follows:

- (1) Breeder.
- (2) Foundation.
- (3) Registered.
- (4) Certified.

[38 FR 25662, Sept. 14, 1973]

**§ 201.70 Limitations of generations for certified seed.**

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner and shall not exceed two generations beyond the Foundation seed class with the following exceptions which may be made with the permission of the originating or sponsoring plant breeder, institution, or his designee:

(a) Recertification of the Certified class may be permitted when no Foundation seed is being maintained.

(b) The production of an additional generation of the Certified class may be permitted on a 1-year basis only, when an emergency is declared by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of the variety. The additional generation of Cer-

tified seed to meet the emergency need is ineligible for recertification.

[38 FR 25662, Sept. 14, 1973; 38 FR 26800, Sept. 26, 1973, as amended at 46 FR 53639, Oct. 29, 1981]

**§ 201.71 Establishing the source of all classes of certified seed.**

The certifying agency shall have evidence of the class and source of seed used to plant each crop being considered for certification.

[38 FR 25662, Sept. 14, 1973]

**§ 201.72 Production of all classes of certified seed.**

(a) Each certifying agency shall determine that genetic purity and identity are maintained at all stages of certification including seeding, harvesting, processing, and labeling of the seed.

(b) The unit of certification shall be a clearly defined field or fields.

(c) One or more field inspections shall be made (1) previous to the time a seed crop of any class of certified seed is to be harvested, and (2) when genetic purity and identity can best be determined. The field shall be in suitable condition to permit an adequate inspection to determine genetic purity and identity.

(d) A certification sample shall be drawn in a manner approved by the certifying agency from each cleaned lot of seed eligible for certification. Evidence that any lot of seed has not been protected from contamination which might affect genetic purity, or is not properly identified, shall be cause for possible rejection of certification.

[38 FR 25662, Sept. 14, 1973]

**§ 201.73 Processors and processing of all classes of certified seed.**

The following requirements must be met by processors of all classes of certified seed:

(a) Facilities shall be available to perform processing without introducing admixtures.

(b) Identity of the seed must be maintained at all times.

(c) Records of all operations relating to certification shall be complete and adequate to account for all incoming seed and final disposition of seed.